IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 522 of 2006 (M/B)

Jogni Devi W/o Shri Jaswant Singh
R/o Village Kherana Post Office
Vidora Khatima, Distt. U.S. Nagar. …….. Petitioner

Versus

1. U.P. Cooperative Village Development Bank
through its Area Manager Kumaon Mandal, Haldwani,

2. Branch Manager,
U.P. Cooperative Village Development Bank
Branch Khatima, U.S. Nagar. …… Respondents

Sri Tumul Nainwal, Advocate for the petitioner.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Sri Tumul Nainwal, Advocate for the petitioner is heard on admission.

2. The petitioner has filed this petition for the following reliefs:

"A. Issue a writ, rule order or direction in the nature of Certiorari calling for the records and quashing the impugned auction order dated 26.02.2004 (Annexure No. 2) passed by respondent Bank.

B. Issue a writ, rule order or direction in the nature of Mandamus commanding and directing the respondent Bank to fix easy instalments of the loan and thereby restraining the respondent bank from auctioning the land of the petitioner.

C. Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.

D. Award cost of the petition in favour of the petitioner."

3. Admittdely an amount of Rs. 40,000/- was advanced to the petitioner by the respondents some time in the year 2000. In spite of lapse of a period of more than five years, the petitioner could repay only a sum of Rs. 14,300/- and the balance amount with accrued interest is yet to be paid by the petitioner.

4. As taking of loan and the petitioner's default in rapayment of the same are not disputed, we do not find any ground for interference in the matter.

5. The writ petition, therefore, fails and is hereby dismissed.

(Prafulla C. Pant, J.) 04.05.2006

(Rajeev Gupta, C.J.) 04.05.2006

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